

IN THE HIGH COURT OF JUDICATURE OF TRAVANCORE - COCHIN

Present :

- * The Hon'ble Shri G. Kumara Pillai, Judge
and The Hon'ble Shri M. S. Menon, Judge

Appeal Suit No. 21 of 1955.

C.S. No. 26 of 1953 of the Anjikaimal District Court.

Appellant - defendant

R. Sivaramakrishna Iyer, residing at Marthandapuram, Tenkasi,
Tinnevelley District

By advocate Shri C.S. Venkiteswara Iyer

Respondent - plaintiff

M.R. Aippu & Co. Ltd., Mattancherry, represented by Managing
Director, M.I. Raphael, son of M.R. Aippu, residing at Alwaye.

(By advocate Shri K. P. Abraham.)

Respondent 2: E.T. Mani, son of Thomas, Christian, Merchant,
aged 57 years, residing at Nanthara in Mattan-
cherry Town, in T.C. State, : (By advocate Shri K.P.
Abraham).

Impleaded as per order dated 19.6.1956 on C.M.P. No. 561 of 1956.

This appeal suit having been finally heard on 31.7.1956, the
Court on the same day delivered the following

JUDGMENT

This appeal arises out of a suit on a hundi. The hundi was
executed by the defendant in favour of the plaintiff in consideration
of amounts due to the plaintiff from a third person. The contention
pressed by the defendant-appellant in this Court was that it was not
supported by consideration so far as he was concerned. The evidence
shows that in pursuance of the hundi the plaintiff discharged the third
person from his liability to the extent of the hundi amount. That fact
coupled with the recital in the hundi would show that the hundi was exe-
cuted by the defendant at his own instance in order to procure a dis-
charge of the third person's liability. Plaintiff has admittedly
given the discharge also to the third person to the extent of the
hundi amount. In the circumstances we hold that the appellant's contention

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is without any substance and dismiss the appeal with costs.

31.7.1956

SD. G. KUMARA PILLAI, JUDGE
SD. M.S. MENON, JUDGE

[true copy]

Joseph M. K.
Deputy Registrar
For Registrar

*Compared by
V. Thanikais*

A. 2518/56. Ad. K. P. Abraham. 14-10-56